

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 95-10019-RGS

UNITED STATES OF AMERICA

v.

DANIEL W. McELROY, AIMEE J. KING McELROY,
and XIEU VAN SON

ORDER ON DEFENDANTS' OBJECTION TO THE
MAGISTRATE JUDGE'S ORDER ON DEFENDANTS'
MOTION TO COMPEL DISCLOSURE OF DOCUMENTS
AND INFORMATION REGARDING THE ACCESS OF
INSURANCE FRAUD BUREAU PERSONNEL TO
GRAND JURY MATERIAL

February 23, 2006

STEARNS, D.J.

Because I agree with Magistrate Judge Collings that the defendants have failed to show prejudice arising from the refusal of the United States Attorney to respond to a discovery request seeking applications made to the court pursuant to Fed. R. Crim. P. 6(e)(3)(B), the objection to his Order denying the motion to compel is OVERRULED. The defendants have made no cogent demonstration as to how an unauthorized disclosure of grand jury material to quasi-law enforcement personnel operating outside of the grand jury context could have had an effect on the grand jury's deliberations or why, as the Magistrate Judge observed, other less drastic remedies than dismissal would not suffice to punish any

misconduct on the part of the government. Bank of Nova Scotia v. United States, 487 U.S.
250, 263 (1988).

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE